



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,538	09/13/2001	Seiichi Tagawa	6404-03WOUS	7147

7590 02/17/2004

Donald K Huber
McCormick Paulding & Huber
CityPlace II
185 Asylum Street
Hartford, CT 06103-4102

EXAMINER

RHEE, JANE J

ART UNIT PAPER NUMBER

1772

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,538

Applicant(s)

TAGAWA ET.AL.

Examiner

Jane J Rhee

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The prior art fail to teach a surface roughness on metal when joined with an elastic body.

Also, a new set of claims must be submitted with all the claims listed with their identifier and the withdrawn claims listed with the text.

Withdrawn Rejections

2. The 35 U.S.C. 103 rejection over Watanabe et al. in view of Hamaekers of claims 8-9 made in the previous final rejection has been withdrawn due to applicant's arguments on 1-5-04.

Response to Arguments

3. Applicant's arguments with respect to claims 8-9 have been considered but are moot in view of the new ground(s) of rejection.

New Rejections

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sievers et al. in view of Kurashiki (06171012).

Sievers et al. discloses a damper comprising a hub (figure 2 number 11), an inertia mass body (figure 2 number 14) and a polymer elastic body (figure 2 number 15) such as rubber press-fitted between the hub and the inertia mass body from an axis direction thereof (figure 2 numbers 14,15,11), wherein the polymer elastic body is a rubber elastic body (col. 2 lines 67-68, col. 3 lines 1-6), hub formed by a metal member, and the mass body formed by a metal member (col. 2 lines 61-62), wherein the surface roughness in at least one of a metal surface adhering to the polymer elastic body in the hub and a metal surface adhering to the polymer elastic body in the inertia mass body is 5 micrometers Rz (col. 2 lines 27-28 discloses 260 RMS as the measurement of surface roughness which is measured in microinches however applicant claims Rz value in micrometers therefore, in {col. 5 lines 57-59} Sievers et al. teaches that RMS is a 11% higher value than a Ra value which also is a Rz measurement in micrometers so when RMS is converted to Rz the value is about 5 micrometers).

Sievers et al. fails to disclose an organosilane as a nonslip agent is provided at least one of between the hub formed by a metal member and the polymer elastic body and between the inertia mass body formed by a metal member and the polymer elastic body wherein the polymer elastic body is a vulcanized and molded rubber.

Kurashiki teaches an organosilane as a nonslip agent provided between a metal and vulcanized and molded rubber for the purpose of being used under a corrosive environment and providing a firm adhesive between the metal surface and the rubber

Art Unit: 1772

surface to be maintained over a long period of time (page 4 of translation paragraph 5 lines 7-9 and abstract).

Therefore, it would have been obvious to one have ordinary skill in the art at the time applicant's invention was made to provide Sievers et al. with an organosilane as a nonslip agent that is provided to at least one of between the hub formed by a metal member and the polymer elastic body and between the inertia mass body formed by a metal member and the polymer elastic body wherein the polymer elastic body is a vulcanized and molded rubber in order to be used under a corrosive environment and providing a firm adhesive between the metal surface and the rubber surface to be maintained over a long period of time as taught by Kurashiki (page 4 of translation lines 5th paragraph line 7-9 and abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F.

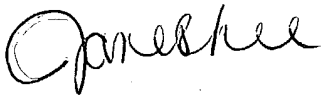
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Ahmad can be reached on 571-272-1487. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

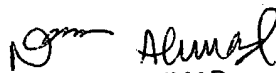
Application/Control Number: 09/936,538

Page 5

Art Unit: 1772

A handwritten signature in cursive script, appearing to read "Jane Rhee".

Jane Rhee
January 28, 2004

A handwritten signature in cursive script, appearing to read "Nasser Ahmad".

NASSER AHMAD
PRIMARY EXAMINER